

1
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1139 OF 2001
IN
TS NO. 77 OF 2000

Rupali Shah .. Plaintiff.

vs.

Marorama Ralhan

& Anr. .. Defendants.

Mr. M.P.S. Rao with Mrs. M.S. Diwan and
Naushad Engineer i/by M/s. Desai
& Diwanji for plaintiff to show cause.

Mr. A. Narula with P.Das for defendant no. 2
in support of notice of motion.

Ms. K.A. Shah for defendant no. 1.

CORAM : S.U.KAMDAR, J.

DATE : 5th August, 2005.

P.C.

. The present proceeding is taken out for sanction of prosecution of the plaintiff for perjury. The only statement on the basis of which the present notice of motion is taken out is set out in para. 10 of the affidavit in support of the said notice of motion. On a perusal of the statement in

2

in para. 10 of the affidavit in support of the motion, I do not find that there is any case made out for taking action in perjury. However, the learned counsel for the defendant no. 1 insists that the statement which is made that the two were not in the plaintiff/petitioner's possession amounts to perjury. I am of the opinion that the issue as to the perjury is between the court and the person who is sought to be prosecuted. The role of the 2nd defendant is merely to bring it to the notice of the Court. After perusing the said statement I do not find that any case is made out for initiating an action in perjury. In view thereof, the notice of motion is dismissed. However, there shall be no order as to costs.